

OGC 77-3608

6 June 1977

MEMORANDUM FOR : Deputy Director of Central Intelligence
Deputy Director for Administration
Deputy Director for Operations
Deputy Director for Intelligence
Deputy Director for Science & Technology
Deputy to the DCI for the Intelligence Community

FROM : [REDACTED] STAT
Associate General Counsel

SUBJECT : PRM/NSC-29

1. PRM/NSC-29 "A Comprehensive Review of the Classification System," signed by the President on 1 June and addressed to intelligence community and other agencies concerned with national security information, directs an inter-agency study and the preparation of an Executive order to replace Executive Order 11652. The new Order is to be ready for the President's signature by 15 September. See at Tab A my memorandum of 12 May concerning a meeting of an ad hoc inter-agency group which was anticipating the President's signature to what is now PRM/NSC-29 and at Tab B the Director's appointment of [REDACTED] to represent the Intelligence Community Staff and [REDACTED] to represent CIA in the upcoming study. STAT
STAT

2. The Agency addressed a similar directive (NSSM-229) last year and has that background work to draw on. At this stage, I do not plan to propose the establishment of formal CIA committees or groups unless that becomes necessary. I request any comments or suggestions, however, and I will keep the Agency informed as the study progresses.

3. The first meeting of the new committee is now scheduled for 8 June. We are advised that the issues paper which Jeffrey Smith of the

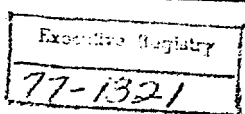
MORI/CDF

Department of State was to prepare (see Tab A), has been received by the co-chairman of the new ad hoc committee and will be distributed at Wednesday's meeting.



STAT

Attachments



12 May 1977

TAB A.

MEMORANDUM FOR THE RECORD

FROM :

[REDACTED]

Associate General Counsel

SUBJECT : Proposed "Comprehensive Review of the Classification System"

1. [REDACTED] and I attended a meeting in the EOB this morning, chaired by Rick Neustadt of the Domestic Council Staff and Gary Barron, NSC. The purpose was to give some preliminary thoughts to the actions which will be necessary when the President signs the proposed PRM "A Comprehensive Review of the Classification System," copies of which have been circulated informally heretofore. The current version is attached at Tab A. Mr. Barron indicated that he expects the President will sign it this week or next, possibly as early as this Friday, the 13th.

2. As to the draft PRM, two points were developed:

a. Gary agreed to check with Aaron, who had reviewed and approved the draft, the need or desirability for including the term "sensitive national security information" as distinguished from "national security information." I had suggested that inclusion of the word "sensitive" would cause confusion and problems. That is, it might be necessary for those who are subject to the order, in making the numerous decisions which the order will require over the years, to constantly determine that the information is or is not "sensitive" national security information.

b. It is intended that all addressees of the PRM may name representatives to serve on the ad hoc committee which the PRM would create. It was indicated however that it seemed unlikely that The U. S. Representative to the United Nations would designate a representative.

3. There was considerable discussion as to how the ad hoc committee should begin its work. Three drafts of a new Executive order coming out of the NSSM 229 exercise last year exist, and there were suggestions that one

or more of these be adopted as a starting point. It was also pointed out that a number of people present had had the 229 experience and, indeed, Art Van Cook of Defense participated in the Rehnquist work which resulted in E.O. 11652. Others, however, in particular members of the new Administration, lacked background in the area. After some discussion Jeff Smith agreed to produce as soon as possible, likely early next week, a draft issues paper which would set out issues the ad hoc committee would need to address in approaching the study of E.O. 11652. His paper is to be disseminated to those in attendance today or those by that time designated as the ad hoc committee members (it was assumed that most if not all present would fall within both categories), and shortly thereafter the group or the new ad hoc committee would be convened to address Jeff's paper. I propose to ask people within the Agency and the IC Staff for any thoughts that we could suggest to Jeff for inclusion in his paper as he is preparing it. One that occurs to me is that of the treatment in the Executive order of the special compartmentation systems.

4. In the course of the meeting, the Domestic Council's "standing" in this subject matter was indicated. Some time ago the President asked the Domestic Council Staff or someone on it for suggestions to advance the President's openness in Government desires. A paper went to him, I believe in March, with several suggestions. Among those the President approved were suggestions that the classification system be reviewed and that an effort be made to develop some sort of "bulk" declassification system. Hence the Domestic Council participation today, and hence the proposal in the PRM that a Domestic Council Staff member co-chair the ad hoc committee. I think this effectively precludes an action I was contemplating, namely to propose to the Director that he propose to Dr. Brzezinski or the President that review of E.O. 11652 is not a proper subject for the Domestic Council and that it should be conducted by the NSC and relevant agencies.

STAT

5. We will need to have a decision on the Director's representative for the ad hoc committee. [] requests that the IC Staff be represented by [] CIA of course also needs to be represented.

STAT

6. At Tab B is a list of people from the agencies thus far interested or participating in one way or another. Not all attended today. David Cook of DOD was not there, but Art Van Cook was. The Archivist, James Rhodes, was not there, but a representative was. John Harmon was not present, but Newal Squyres was there. We are invited to submit suggestions for changes. If it is decided that [] or someone from the IC Staff is to participate, we would need to add his name. We should add [] also, since I expect he will be at least as active in this project as I am.

STAT

STAT

STAT

7. Gary Barron told us he does not expect to be the NSC Staff co-chairman, but that [redacted] is expected to return to the NSC Staff where he will be an assistant to Aaron and will be the NSC Staff co-chairman.

8. Chairman Neustadt stressed the necessity to plan carefully in order to get this job done on time. I think at an early meeting he will propose a schedule for that purpose.

9. Access Reports, a commercial newsletter specializing in Freedom of Information matters, has reported the pendency of the PRM and resulting study, attributing its source to NSC personnel; and that the public will be invited to participate.

10. In addressing this problem, I suggest we consider it a study of the protection of national security information, rather than a "Comprehensive Review of the Classification System."

STAT



77-1321/1

TAB B

OGC 77-3086

13 May 1977

MEMORANDUM FOR: Director of Central Intelligence

FROM : Anthony A. Lapham
General Counsel

SUBJECT : Draft PRM to Revise Classification System

1. Action Requested: Your designation of CIA and IC Staff representatives to serve on committee created to review the classification system.
2. Background: A draft PRM, copy attached at Tab A, has been prepared by the NSC and Domestic Council Staffs and circulated informally among interested agencies which would call for a study and review of Executive Order 11652, which is the order that provides for protection, classification, declassification, etc., of national security information. We are informed that efforts are being made to have the PRM signed by the President this week or next.
3. Under the order an ad hoc committee co-chaired by NSC Staff and Domestic Council Staff representatives and with membership from interested agencies is to study Executive Order 11652 and prepare a revised Order for the President's signature by September 15. A number of specific points are itemized by the PRM for committee consideration. The PRM, we are advised, is an outgrowth of certain Domestic Council recommendations to the President for actions which would advance his openness in government concepts.
4. A meeting of representatives of interested agencies was convened in the EOB yesterday, co-chaired by NSC and Domestic Council Staffs. As a result of that meeting, Jeffrey Smith, Assistant Legal Adviser, Department of State, is preparing a list of issues which the ad hoc committee or the same group of agency representatives should consider in addressing the requirements of the PRM. In effect, this informal group is proceeding to undertake the assignment which will derive from the PRM in the interests of getting ahead. We are soliciting the views of appropriate Agency and IC Staff representatives for issues which could be incorporated into Mr. Smith's paper.

STAT

STAT

STAT

STAT

5. It will be necessary to designate representatives for the ad hoc committee. [redacted] has indicated that he would like to have [redacted] of the IC Staff participate as a representative of that Staff. I suggest that [redacted] of my Office be designated the CIA representative, in view of his work in the revision study of last year and earlier work in this and related areas.

STAT

6. Recommendation: I recommend that you designate [redacted] to represent the IC Staff on the ad hoc committee to study the revision of the classification system, and [redacted] to represent CIA.

[redacted]
Anthony A. Lapham

STAT

APPROVED: _____

18 MAY 1977
Date

DISAPPROVED: _____

Date

OGC/RHL/bas

Distribution:

Orig - Addee

1 - Exec Reg

1 - SUBJ: SECURITY-EO 11965-Classification/Declassification

1 - RHL Signer

1 - Chrono

1 - DDCI

1 - DDA

1 - DDO

1 - DDI

1 - DDS&T

1 - IC Staff